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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.163 OF 2007
IN
FIRST APPEAL (ST.) NO.25792 OF 2006

Akaram Shankar Kamble ...Applicant
V/s.
Chhaya Akaram Kamble & Anr. ...Respondents

Mr.P.D. Dalvi, Advocate, for the Applicant.

Mr.Prajakt M. Arjunwadkar, Advocate, for Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATE : 23RD NOVEMBER, 2007.

P.C.:

1. The 1st respondent is not served with the notice. However the Hindu Marriage Petition filed by the appellant was dismissed as against the 1st respondent by the Trial Court and the petition proceeded only against the 2nd respondent.

2. There is a delay of 207 days. The delay deserves to be condoned subject to applicant paying costs to the 2nd respondent. Accordingly, the Civil Application is allowed in terms of prayer clause (a) subject to applicant paying costs of Rs.3,000/- to the 2nd respondent on or before 31st December, 2007. Payment of costs will be a condition precedent.

3. The applicant to deposit the amount of costs with the Trial Court or this Court within the stipulated time. If compliance is not made within stipulated time, the Civil Application will stand dismissed without further reference to the Court. If compliance is made, the office will place the Appeal for admission on 10th January, 2008.

[ABHAY S. OKA, J.]